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CLERK, U.S. DISTRICT COURT
DISTRICT OF OREGON
PORTLAND, OREGON
BY _____

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

LANNY SERDLOW,)
Plaintiff,)
vs.)
CITY OF PORTLAND)
ADRIENNE SPARROW,)
MASAYO HOWELL, GLENN STORTS,)
M. W. CALDER, JOHN SHEPARD)
GREG DUVIE, DONALD MacPHERSON,)
MARILYN Van HORN,)
DOUG KOSLOSKE, and ED BRUMFIELD))
Defendants.)

CV '00 - 580

HA

COMPLAINT
CIVIL RIGHTS

DEMAND FOR JURY TRIAL

I

INTRODUCTION

1. Pursuant to 42 USC Section 1983, Plaintiff alleges violations of the Fourth and Fourteenth Amendments to the United States Constitution. Plaintiff seeks damages.

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II

JURISDICTION

2. This Court has jurisdiction over Plaintiff's claims by virtue of 28 USC §§ 1331, 1343.

III

PARTIES

3. Plaintiff Lanny Serdlow is a resident of Multnomah County, Oregon

4. Defendant City of Portland is a governmental entity responsible for the acts and failures to act of the employees of Portland Police Bureau, including the individual defendants listed below.

5. At all times material herein, Defendant Adrienne Sparrow was acting within the course and scope of her employment for the United States Federal Bureau of Investigation.

6. At all times material herein, Defendant Mayso Howell was acting within the course and scope of her employment for the United States Federal Bureau of Investigation.

7. At all times material herein, Defendant John Shepard was acting within the course and scope of his employment for the United States Federal Bureau of Investigation.

8. At all times material herein, Defendant Glenn Storts was acting within the course and scope of his employment for the United States Customs Service.

9. At all times material herein, Defendant M. W. Calder was acting within the course and scope of his employment for the City of Portland Police Bureau.

10. At all times material herein, Defendant Greg Duvic was acting within the course and scope of his employment for the City of Portland Police Bureau.

11. At all times material herein, Defendant Donald MacPherson was acting within the course and scope of his employment for the United States Federal Bureau of Investigation.

14. At all times material herein, Defendant Ed Brumfield was acting within the course and scope of his employment for the City of Portland Police Bureau.

IV

16. At all times material herein, defendants acted under color of state law.

18. On or about April 30, 1998, Defendant Sparrow caused to be issued a search warrant for Plaintiff Lanny Serdlow's residence and place of business. The alleged reason for the search was to seize materials depicting or used to depict "child pornography, child erotica, information

1 pertaining to the sexual interest in child pornography, sexual activity with children or the
2 distribution, possession or receipt of child pornography, child erotica or information pertaining to
3 an interest in child pornography or child erotica.” The search warrant also listed other items to be
4 seized, all pertaining to child pornography. Defendants Sparrow, Howell and MacPherson failed
5 to investigate the information given to them concerning plaintiff to ascertain its validity.
6

7 19. Defendants Sparrow, Howell, Storts, Shepard, Calder, Duvis, MacPherson, Durbin,
8 Van Horn, Koloske, Brumfield and Altman all took place in the execution of the search warrants
9 and seized numerous items belonging to the Plaintiff.

10 20. The search warrant lacked probable cause and/or contained information which
11 defendants knew or should have know was false.
12

13 21. Defendants knew, or should have known that the information which led to the search
14 warrant was part of the 25 year campaign to harass and intimidate Plaintiff Serdlow.

15 21. Many of the items seized were film and video equipment, computers and other
16 electronic equipment used in Plaintiff’s businesses.
17

18 22. Defendants allowed television and print media to accompany the execution of the
19 search warrants.

20 23. Plaintiff produced and directed numerous cable access television shows with his
21 equipment and was publicly known for having the equipment. Plaintiff had video production
22 equipment at his residence and place of business, The Rage nightclub.
23

24 24. Plaintiff used his video production equipment to direct and produce cable access
25 shows for the United States Aethists and the Campaign for the Restoration and Regulation of
26 Hemp, (CRRH), a cannabis law reform group. Both groups are controversial and involved in
advocating changes to the existing laws.

1 25. CRRH in April of 1998 was involved in an initiative drive to change cannabis laws in
2 the State of Oregon. Plaintiff supported the goals of CRRH and used his video production
3 equipment to help CRRH communicate with the voters of the State of Oregon.

4 26. In seizing Plaintiff's equipment, defendants interfered with Plaintiff's constitutional
5 right of association and free speech.

6 27. In seizing Plaintiff's equipment, defendants actions caused Plaintiff to lose his contract
7 to film and distribute video tapes of Northwest Children's Theater performances.

8 28. In seizing Plaintiff's equipment, defendants forced Plaintiff to sell his business, The
9 Rage nightclub.

10 29. In seizing Plaintiff's equipment and allowing media to accompany them, Plaintiff was
11 not rehired for his job at the Census Bureau.

12 30. Defendants held onto all of Plaintiff's seized property until December 21, 1999, when
13 some of the property was released to Plaintiff. Defendants continue to hold onto property
14 belonging to Plaintiff.

15 31. Plaintiff suffered medical problems and serve mental stress resulting from the illegal
16 seizure of his property, defendants' false accusations of trafficking in child pornography and
17 allowing the media to broadcast defendants' false allegations concerning the Plaintiff and child
18 pornography.

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V

FIRST CLAIM FOR RELIEF
(42 USC § 1983 / First and Fourteenth Amendments)

32. As described above, defendants violated Plaintiff's First and Fourteenth Amendment rights when they interfered and stopped his ability to communicate his political message in seizing his property.

33. As described above, Defendant City of Portland has ratified and approved of Defendants Calder, Duvic, Van Horn, Kosloske, Brumfield and other individuals in the Portland Police Bureau by establishing policies, customs, and/or practices of relying upon unvalidated information for search warrants and knowingly providing false information to other agencies concerning Plaintiff. As further evidence and ratification of such policies, customs or practices, no officer in the Portland Police Bureau has been disciplined for any wrong doing concerning the Plaintiff nor have any changes been made by Defendant City of Portland in its policies, customs or practices.

34. Plaintiff should be awarded non-economic damages against defendants in an amount to be determined at trial.

35. Plaintiff should be awarded punitive damages in an amount to be determined at trial against defendant due to defendants reckless disregard for the truth

36. Plaintiff should be awarded attorney fees and costs under 28 USC § 1988.

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VI

SECOND CLAIM FOR RELIEF
(42 USC § 1983 / Fourth and Fourteenth Amendments)

37. As described above, defendants violated Plaintiff's Fourth and Fourteenth Amendment rights when they caused the search warrants to be issued and in executing the warrants, knowing they had no reason for the search warrant and its execution.

38. As described above, defendants violated Plaintiff's Fourth and Fourteenth Amendment rights when they held onto Plaintiff's property without due process for its return.

39. As described above, Defendant City of Portland has ratified and approved of Defendants Calder, Duvic, Van Horn, Kosloske, Brumfield and other individuals in the Portland Police Bureau by establishing policies, customs, and/or practices of relying upon unvalidated information for search warrants and knowingly providing false information to other agencies concerning Plaintiff. As further evidence and ratification of such policies, customs or practices, no officer in the Portland Police Bureau has been disciplined for any wrong doing concerning the Plaintiff nor have any changes been made by Defendant City of Portland in its policies, customs or practices.

40. Plaintiff should be awarded non-economic damages against defendants in an amount to be determined at trial.

41. Plaintiff should be awarded punitive damages in an amount to be determined at trial against defendant due to defendants reckless disregard for the truth

42. Plaintiff should be awarded attorney fees and costs under 42 USC § 1988.

WHEREFORE, Plaintiff prays for relief from the Court as Follows:

1. Assume jurisdiction in this matter over his claims,

PLAINTIFF HEREBY DEMANDS A JURY TRIAL